

**United Nations Permanent Forum on Indigenous Issues
Tenth Session - New York
16-27 May 2011**

**Agenda Item 4(a): Implementation of the Declaration of the Rights of Indigenous Peoples
Women**

JOINT INTERVENTION DELIVERED BY CATHY EATOCK ON BEHALF OF:

Aboriginal and Torres Strait Islander Women's Legal Service (ATSIWLS)
Aboriginal Legal Service Western Australia (ALSWA)
Amnesty International Australia
Foundation for Aboriginal and Islander Research and Action (FAIRA)
Gugu Badhun Ltd.
Indigenous Community Volunteers (ICV)
New South Wales Aboriginal Land Council (NSWALC)
Urapuntja Aboriginal Corporation
Yarkuwa Indigenous Knowledge Centre

Thank you Madam Chair,

The Indigenous Women's Caucus of Australia are pleased to address this intervention of the implementation of the Declaration of the Rights of Indigenous Peoples (the Declaration) as it relates to Indigenous Women. We welcome the appointment of Mirna Cunningham as Chair of the Permanent Forum and Chandra Roy as the Chief of the Secretariat as Indigenous women to these positions.

We would like first like to acknowledge the Indigenous Elders that have gone before us, who fought to defend our communities' rights to their culture, their custodial lands and their right to self-determination and those Indigenous peoples that are represented at the Forum today.

We are disappointed that the struggle of Indigenous women does not appear on the agenda of this Permanent Forum, so we have elected to speak on this important issue under this Agenda Item.

While Australia acceded to the Optional Protocol to the Convention of the Elimination of All Forms of Discrimination Against Women in 2008 and endorsed the United Nations Declaration on the Rights of Indigenous Peoples in 2007 to date, these have failed to translate to a change in approach on the ground.

The situation for many Aboriginal and Torres Strait Islander women remains dire. In endorsing the Declaration the Australia Government commits to Article 3 which asserts Indigenous rights to self-determination and Article 22 that particular attention be paid to the rights and special needs of Indigenous women and children.

Despite this Aboriginal and Torres Strait Islander women continue to not have meaningful input into policy approaches that impact them so detrimentally, which violates Article 18 of the Declaration.

Northern Territory Emergency Response (NTER)

The lack of free, prior and informed consent and lack of participation by Aboriginal women in decision making has led to policies such as the Northern Territory Emergency Response, which continues to implement punitive measures, that contravene the most basic human rights of Aboriginal women and their children.

These policies continue to subject Aboriginal women to the systematic abuse of income management, where already impoverished families have 50% of their income withdrawn and provided through food voucher cards.

The Northern Territory Emergency Response was so racially discriminatory that it required the suspension of *Racial Discrimination Act 1975* (Cth). Amendments to these policies, on 21 June 2010, now mean these measures can be applied to identified non-Aboriginal welfare recipients, in the Northern Territory and the Kimberly region, in practice this approach continues to breach the Convention on the Elimination of all forms of Racial Discrimination as these regions have high Aboriginal populations. In addition, where consultations on the revised policy occurred, there were insufficient translators, inadequate explanations of complex issues and pre-determined outcomes.

The limited amendments still enable the forced leasing of community lands to the Australian government as 'Special Measures'. Special Measures were originally legislated to enable positive discriminatory policies to support Aboriginal communities, not to undermine hard won land rights.

Underlying the Northern Territory Emergency Response is a radical push to pressure Aboriginal communities off their traditional lands, with resources and school funding re-directed from remote and homeland communities to larger identified 'growth towns'. This approach is based on an attempt to force Aboriginal communities to fit neatly into western concepts of regional labour markets.

These policies do not allow Aboriginal communities to express different cultural views, lifestyles and economies, which utilise traditional foods and employment through culturally based visual arts and environmental tourism as the basis of a mixed, culturally matched economy.

Community Development Employment Project (CDEP)

Articles 20 and 21 of the Declaration confirm Indigenous rights to maintain and develop our own culturally appropriate economies.

However, on 1 July 2009, the Australian Government abolished the Community Development Employment Program (CDEP), allowing only limited CDEP in very remote communities. The ceasing of the CDEP resulted in the loss of employment and services for women in many critical community based services, such as teacher's aides, elder care programs, pre-school services and health care support positions.

These changes have resulted in the increased impoverishment of Aboriginal families, with communities such as Yarrabah, which previously had 450 people employed on CDEP, reduced to just 31 employed positions. The abolition of CDEP was undertaken without meaningful consultation with Aboriginal communities.

Violence

The relative socioeconomic disadvantage experienced by many Aboriginal and Torres Strait Islander women is also reflected in high rates of victimisation. Aboriginal women and children who witness or are the victims of violence, are more likely to experience debilitating stress and trauma. The eradication of violence against women requires the implementation of Indigenous approaches that address violence against women and children.

Indigenous specific services are essential for service provision to Aboriginal and Torres Strait Islander women, who often avoid mainstream services. Whilst we acknowledge the positive step in establishing the Family Violence Prevention Legal Services, we remain frustrated that the funding for positions was restricted to regional and remote areas and not urban areas where large proportions of Aboriginal and Torres Strait Islander women reside. The services were also not funded with a Secretariat or policy section, which makes it difficult for them to meaningfully engage in law reform and international advocacy.

In Australia, funding for Indigenous women's services remains a low priority, such as the recent cut to funding for Cawarra Aboriginal Women's Refuge, which has provided crisis accommodation and support to Aboriginal women and children facing violence in Western Sydney, for more than 20 years.

This situation is in violation of Article 22(2) of the Declaration which provides that Australia should take measures in conjunction with Indigenous peoples to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Housing

Housing is another key concern for Aboriginal and Torres Strait Islander women. The Australian Government has had little focus on overcrowded housing suffered by Aboriginal families, where large extended families are forced to share the same dwelling, or on the absence of safe-houses to escape violence, or the lack of infrastructure, services and detoxification programs, which are all urgently required by Indigenous communities. This is in violation of Articles 21, 22 and 23 of the Declaration.

Education

The education of girls is a key means to addressing Indigenous women's marginalisation. While the Convention on the Rights of the Child and Article 14 of the Declaration commits to protect Indigenous rights to education without discrimination the implementation of the Australian Government's 'Improving School Enrolment and Attendance Through Welfare Reform' strategy, adopts a punitive approach that applies cuts to welfare payments of Indigenous mothers, where a student has more than three absences in a school term, without reasonable excuses. Financially penalising these families and cutting bilingual teaching in remote communities only further alienates girls and their families from schools and an education. Women and girls need constructive incentives, not punitive practices, to encourage school attendance.

In closing, we recommend that the Permanent Forum urge all states to:

- 1. ensure that Indigenous women are empowered to have a decisive voice in determining the social and economic policies that impact on them;**
- 2. develop and fund Indigenous women's legal services to meet the needs of Indigenous women;**
- 3. develop and fund social and economic assistance programs and services that respond to the needs identified by Indigenous women; and**
- 4. in conjunction with Indigenous peoples, establish constructive programs that encourage Indigenous children to attend school, rather than punitive measures if they do not.**

We further recommend the Permanent Forum:

- 1. list Indigenous women as a standing agenda item in all future Permanent Forums;**
- 2. seek detailed reports from states on their progress in implementing the Declaration and Optional Protocol to the Convention on the Elimination of Discrimination Against Women;**
- 3. undertake a study into Indigenous women and violence under Article 22(2) of the Declaration; and**
- 4. hold an expert workshop on Indigenous women including some of the issues raised in this intervention regarding special measures, employment, violence, housing and education.**

Thank you Madam Chair and members of the forum.